IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 566 OF 2005

Suresh Wamanrao Raut .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.R.K. Mendadkar for the Petitioner.

Mr.R.M. Sawant, Government Pleader, for Respondent No.1.

Ms. Rekha Tayde i/b M.V. Kini & Co. for Respondent No.3.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 29TH APRIL 2005

P.C. :

1. Heard Mr.Mendadkar for the Petitioner and Mr.Sawant, Government Pleader, for Respondent No.1. Ms.Tayde appears for Respondent No.3. The Petitioner is present in court.

2. Apart from filing the petition, the Petitioner has filed an undertaking dated 28th April 2005 wherein he has accepted the finding given by Respondent No.2 - Scrutiny Committee that he does not belong to Mahadeo Koli Community. The Petitioner got a job in the Respondent No.3 - Airport Authority on the basis of this caste claim. Now he is giving up the claim to that particular community. Over and above making the

aforesaid statement, he has further stated in para 2 that he is ready to accept any punishment other than termination, removal or dismissal from the service of Respondent No.3 as a consequence of the impugned order. He has also stated that he is ready to forgo his promotions.

3. Ms.Tayde,learned counsel for Respondent No.3, on instructions states that Respondent No.3 accepts the statements of the Petitioner. In view thereof, though the Petitioner is presently working in the post of Assistant Engineer, he will not be eligible for any promotion hereafter. Respondent No.3 Management will be at liberty to hold an enquiry in view of this tendering of a false certificate. However, they will not pass any order thereon in the nature of termination, removal or dismissal. It will be open for them to pass any other appropriate order after the enquiry.

5. Petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)